

CANVASSING KANSAS



An update on election news in Kansas.

Honor a Vet With Your Vote program continued in 2000 election

Honor a Vet With Your Vote is a program initiated in Kansas by Secretary of State Ron Thornburgh in 1998.

It was continued and expanded in 2000 as the centerpiece of the Secretary's voter outreach program.

The principal co-sponsors with the Secretary of State's Office were the American Legion, American Legion Auxiliary and Sons of the American Legion. The Secretary of State and the American

Legion contracted with the Lockwood Company in Atchison, KS, a supplier of voting equipment and materials for county election officers, for printing of lapel stickers. Lockwood further supported the program by shipping the stickers to most of the counties.

This year's promotional efforts included distribution of pocket cards, T-shirts, meal tray mats at food courts in malls and television spots.

More than a half million lapel stickers were distributed to county election officers in preparation for the culmination of the program on election day, when each voter received a sticker on which they could write the name of a veteran they knew and admired.

One new feature of the Honor a Vet program this year was called mentoring. Members of local American Legion posts adopted one or more young voters to accompany to the voting place to cast their ballots for the first time. The mentoring program supported the main concept behind the



program: to increase voter turnout while instilling the meaningfulness of the vote by encouraging voters to think about the sacrifices veterans have made in defense of the right to vote.

Holiday Office Hours

The Secretary of State's Office will be **closed** for the Christmas holiday on **Monday, December 25**, and for New Year's Day on **Monday, January 1, 2001**.

In addition, we will be closed Monday, **January 15, 2001** for Martin Luther King, Jr.'s Birthday.

Happy Holidays!

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Caskey weds at state fair

The only eligible bachelor in the elections division of the Secretary of State's Office has married.

Bryan Caskey, administrative assistant, tied the knot with Stacie Naes on Saturday, September 9, 2000. Bryan and Stacie chose a unique setting: on the grounds of the Kansas State Fair.

The ceremony took place near a lake on the northeast part of the fair grounds.

Afterward it was learned that Bryan had been making the arrangements for quite some time.

His colleagues were surprised when they found out the wedding had already taken place.

Because that day proved to be a very busy one for Bryan, Secretary of State Ron Thornburgh awarded him the rest of the day off, relieving him from his duties at the fair.

Bryan and Stacie make their home in Lawrence.

State News

Federal legislation would allow military facilities to remain polling places

The U.S. House of Representatives on Oct. 12, passed legislation guaranteeing that military and reserve facilities under the control of the Department of Defense may remain polling places in federal, state and local elections.

There had been directives early this year from the Defense Department that such facilities would no longer be allowed to serve as polling

places (see *Canvassing Kansas*, June 2000, page 4; and September 2000, page 9).

The bill, HR 5174, authorizes use of defense facilities for voting and provides that, once a building

is made available as a polling site, that availability must continue unless the Defense Department provides "reasonable and timely" notice to Congress as to why it will no



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longer be made available.

Further, any facility used for voting in 1998 must be made available in 2000, or a comparable site provided.

There was no companion bill in the Senate at the time of HR 5174's passage in the House, but many election officials are encouraging the Senate to consider the bill for passage.

RON THORNBURGH

Kansas Secretary of State



Dear Friends:

Congratulations on the completion of the General Election. Even though this election, for the presidential campaign, has been in turmoil, we at the Secretary of State's Office are pleased with the success of Kansas' election.

Although voter turnout was about average, I would like to thank those who did cast a ballot in the General Election and for helping to make the Honor a Vet With Your Vote program a success. I received numerous calls at the office and at home from citizens commending the program.

I would like to personally congratulate those newly elected officials in the state as well as those who will be representing the citizens of Kansas.

Warm wishes are sent out to you and your families throughout this holiday season.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Thornburgh", written over a horizontal line.

RON THORNBURGH
Secretary of State

Shawnee Co. experiments with paying postage for advance ballots

In an attempt to encourage voting, the office of Shawnee County Election Commissioner Libby Ensley paid the return postage for advance ballots cast through the mail.

Statutes require postage to be paid on the outgoing ballot envelope but not the return envelope. The voter must pay the return postage under normal circumstances.

Responding to a suggestion from a voter, Ensley took the issue to her board of county

commissioners, who wholeheartedly approved an expenditure from county general funds to cover the cost of the postage.

Ensley reported that the advance ballot postage program was a great success. Her office re-

ceived many positive comments and no complaints from voters. She believes it contrib-

uted to Shawnee County's overall strong advance vote and to the fact that many advance ballots were returned early.

"This was an excellent program, one which I hope to continue. I intend to include funding for ad-

vance ballot return postage in my budget request in future years," Ensley said.



Chair of Senate Committee on Elections dies

State Senator Janice Hardenburger, a Republican from Haddam, died in late August after a recurrence of lung cancer.

Sen. Hardenburger was first elected to the Senate in 1992 from the 21st District, comprising all or parts of the following counties: Clay, Cloud, Marshall, Nemaha, Pottawatomie, Riley and Washington.

She had served the past five years as chair of the Senate Committee on Elections and Local Government.

Mark Taddiken was appointed by Governor Bill Graves to replace Sen. Hardenburger's Senate seat, and Taddiken subsequently won the election for the seat.

Taxpayers change name to Constitution Party

Secretary of State Ron Thornburgh has granted the official name change requested by the Kansas Taxpayers Party.

In July 2000, the chairman of the Taxpayers Party in Kansas filed an official request with Thornburgh's office for the name change, citing recent actions by the party's national committee and the state organization. In those actions the party had changed its name to the Constitution Party, and the request was for the state and counties to officially recognize the change.

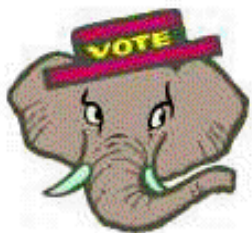
Thornburgh had asked the party to furnish docu-

mentation of its actions. After reviewing the materials submitted, he determined that it was a change in name only, and it signified no change in political philosophy that might require the party to circulate a new petition to gain official recognition as a separate party.

The Taxpayers Party first gained recognition in Kansas in 1998.

Thornburgh has asked all county election officers to change their voter registration files to reflect the new name of the party for all voters who had previously affiliated with it.

Presidential General Election wrap up



A close race for the presi-

dency combined with close legislative races and a number of local question-submitted elections produced a strong turnout in the 2000 general election.

In his pre-election press conference on November 3, Secretary of State Ron Thornburgh had predicted that 1,150,000 Kansas would vote on November 7, which would represent 70 percent of the total number of persons registered to vote.

Although final turnout figures are not yet complete, preliminary data indicate that 1,076,356 people voted, representing 66.4 percent of the registered voters. The all-time high in turnout was in the 1992 presidential election when 1,161,927 votes were cast, which was a record 85 percent of the total registered.

Voter registration reached a new statewide high as of the pre-election deadline October 23. In all, there were 1,622,131 persons registered to vote, which is a 7.2 percent increase from the 1998 general election when 1,513,685 were registered.

In addition to the race for the presidency, all four U.S. House of Representatives seats were

up for election, as well as all 125 Kansas House and all 40 Kansas Senate seats. Two Kansas Supreme Court justices and two Court of Appeals judges faced retention, as well as many district court judges and magistrates facing retention or election. Five of ten seats on the State Board of Education also were elected.

Two proposed amendments to the Kansas Constitution were on the 2000 general election ballot, with one passing and the other failing to receive the required majority vote. The first, which amends the Constitution to allow public pension funds (such as KPERS) to invest in banking institutions, passed by a 61 percent to 39 percent margin, according to the unofficial results. The second question failed 49 percent to 51 percent. It would have allowed the Legislature to exempt aircraft and watercraft from property taxation.

There were numerous closely contested races for county commission seats and county sheriff positions that increased voter turnout in various areas of the state.

The election night tabulation process (ENT) went smoothly, thanks to the willingness of county election officers to report their unofficial results to the Secretary of State's Office as the results were produced. Election officers had a choice

of reporting by phone, fax or Internet, and as the results came in they were assimilated into one computer file for the press and public access. This year 40 counties reported electronically via the Internet, 35 reported by phone and 30 faxed their results.

The board of county commissioners in each county met on Friday, November 10 to certify their election results. Their certifications are final for county and local offices and questions. For national and state offices and constitutional questions they certify their results to the Secretary of State for tabulation and final certification. The state board of canvassers, consisting of the Governor, Attorney General and Secretary of State, met in the Secretary of State's office on December 1 to certify the results for the 2000 election.

The final chapter in the 2000 election will be written on Monday, December 18 when the presidential electors representing the Republican party will meet in the Secretary of State's office to cast their votes for the offices of president and vice president of the United States

(see accompanying article in this newsletter).



Electoral College interests many voters

Every four years the presidential election raises the level of participation in politics. Voter registration and turnout increase in presidential years, usually significantly above non-presidential years. The amount of political discussion and overall interest in the process rise. One of the topics of voters' fascination during presidential years is the Electoral College.

Particularly with the closeness of this year's presidential race and the delay in determining the winner, interest in the Electoral College has soared. The Secretary of State's Office has fielded numerous inquiries from the press and the public about this institution and how it works.

As is the case with many aspects of our federal government, the Electoral College came about as the result of a compromise between the founding fathers during the process of writing the U.S. Constitution. Some wanted the people to elect the president directly while others wanted the president elected by the Congress. Some believed that voters at the time were too ill informed to be trusted with the responsibility of directly selecting the person to occupy the highest office in the land. The average level of education and the speed of dissemination of information were not what they are today. The Electoral College was the embodiment of the compromise, allowing the voters to participate but having the effect of the popular vote filtered through a separate group of Electors charged with the responsibility of casting the final, direct votes for president.

The Electoral College was seen by many as a protection of the role of states in the federal system, since electors are chosen from the respective states and their votes are tallied on that basis. Each state has electors equal to its total representation in Congress. Thus, Kansas currently has six electors, two representing the two positions of U.S. Senator and four

representing the four members of the U.S. House of Representatives.

Neither the Constitution nor federal law dictates to the states how electors should be chosen, nor are electors required to vote for the candidate who wins the majority of the popular vote in the state, although defections are rare.

In Kansas, the law allows each recognized political party to choose a slate of Electors and certify their names to the Secretary of State. Also, independent candidates for president name their electors by listing them on their petitions as they gather signatures to get their names on the ballot.

When the results of the popular vote in the general election are certified in late November, the Secretary of State notifies the electors representing the popular vote winner of the meeting of the Electoral College. According to federal law, the electors meet in the state capital on the Monday following the second Wednesday in December after the election to cast the official votes for president and vice president. The Secretary of State prepares ballots and oversees the voting, then certifies the results to the President of the U.S. Senate (who is the vice president of the U.S.) and to the National Archives.

The Senate President oversees the official counting of Electoral College votes in a meeting held on January 6 in Washington, D.C. The persons elected president and vice president are sworn in on January 20.

For many years there have been individuals and groups calling for the abolition of the Electoral College, often because of three instances in the 1800s when the winner of the popular vote did not win the presidency. Although it is too early to predict what changes, if any, may be made, it appears certain that a healthy discussion of the Electoral College's strengths and weaknesses will result from this election, and serious consideration will be given to abolishing or altering it.

KAC Convention held at Capitol Plaza Hotel

The Kansas Association of Counties (KAC) held its annual statewide convention in Topeka at the Capitol Plaza Hotel November 19 through 21.

The Secretary of State's Office was invited to speak to the county clerks' affiliate meeting on the afternoon of Monday, November 20.

Secretary of State Ron Thornburgh expressed gratitude to the county election officers for a job well done in this year's presidential election. He spoke of the issues arising from the unsettled presidential election and the difficulties in reaching final vote totals in Florida. Thornburgh said he expects a healthy debate to occur in the next few years about standards for voting equipment and whether to abolish or revise the presidential Electoral College system.

Brad Bryant, state election director in the Secretary of State's Office, offered general observations about this year's elections and voter turnout rates.

Thornburgh and Bryant presented the following awards to county election officers:

First county to report election results on election night: **Sandy Soper, Cherokee County.**

First county to finalize its results: **Everett Beltz, Hodgeman County.**

County with the highest turnout percentage: **Elaine Kehlbeck, Cheyenne County.**

Last county to finalize their results (a tongue-in-cheek award): **Linda Scheer, Leavenworth County.**

Thornburgh presented the County Clerks and Election Officials Association with a check for \$5,000 for their scholarship fund. Each election year the Secretary of State's Office collects fees from the Associated Press and other news outlets for immediate, real-time access to election night results. Newspapers and radio and television stations may opt to pay the fee for a direct link to the Secretary of State's computer on election night. Some of the money collected pays for computer programming costs in the Secretary of State's Office and the rest is donated to the election officers' scholarship fund.

At the end of the meeting, Thornburgh administered the oath to next year's officers of the KCCEOA:

President, Mary Gilmore, Morton County; Vice president, Dorothy Stites, Stafford County; Secretary, Rich Vargo, Riley County; Treasurer, Linda McDowell,

Phillips County.

Mitchell County Clerk Joleen Walker was recognized for her service as president this past year.

After the meeting was adjourned, Secretary Thornburgh hosted a reception for county election officers at his office in Memorial Hall across the street from the Capitol.

After the reception the county election officers returned to the Capitol Plaza Hotel for their President's Reception and the evening banquet and dance.

Election board recognition program continues in 2000

In 1998, Secretary of State Ron Thornburgh coordinated with county election officers statewide to create a program to recognize long-serving precinct election board workers.

The program continued in 2000 with the recognition of 252 election workers in nine counties. In 1998 several hundred were recognized as well.

Secretary Thornburgh gave each county election officer the opportunity to nominate election workers who had served

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Linda Bott, Rush County Clerk, died August 30, 2000

The Kansas election community was saddened by the loss of Rush County Clerk Linda Bott, who died on August 30, 2000 after a long illness. Linda had served as county clerk since 1985.

She is survived by her husband Greg and daughter Stefanie.

Her replacement, Barbara Matal, was appointed by Governor Bill Graves in September 2000. Matal is no stranger to the office, however, and has been able to fill the

void quickly, which is fortunate given the necessity of dealing with tax statements and the presidential election immediately upon taking office. Matal was Rush County clerk from 1981 to 1985, then resigned when she temporarily moved out of the county. She continued to work in the office, though, serving as Linda Bott's deputy for her entire tenure from 1985 to 2000.

Barbara is married to Norman Matal, who is mayor of the city of Liebenhthal.

She has four children, three stepchildren and ten grandchildren. Barbara reports that none of her children live at home.

As for her hobbies, Barbara likes to read, and she claims to be one of John Wayne's biggest fans, saying she owns copies of all his movies.

We would like to extend our welcome to Barbara. We know her experience in the clerk's office has already served her well during the recent election season.

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at least 25 years. Thornburgh honors each such election worker with a certificate and an invitation to attend the meeting of the State Board of Canvassers when the results of the state and national elections are certified.

The information also is provided to each election worker's local newspaper.

Thornburgh said, "More than 11,000 Kansans give their time and effort to support our democratic system every election by working in their neighborhood precincts as election board worker. They serve more out of a sense of civic duty rather than for the wages they earn. It's a long, 14-hour day greeting the voters, handing out ballots and tallying the results."

GAO studies polling places

The General Accounting Office (GAO), an investigative agency created by Congress, conducted a nationwide review of polling place accessibility in the 2000 general election.

The study was requested by Senators Tom Harkin (D-Iowa) and John McCain (R-Arizona) with the presumed intention of drafting federal legislation to facilitate voting by disabled persons.

The GAO selected 100 counties across the nation to visit on election day to assess their accessibility to disabled persons. The 100 counties happened to fall in 33 states and included three counties in Kansas:

Johnson, Sedgwick and Wilson.

The GAO worked with the Secretary of State's Office and the county election officers in those three counties to gain access to the precincts on election day.

It was unknown before election day how many precincts, or which precincts, would be visited.

The GAO representatives viewed the physical accommodations and interviewed polling place workers to determine what procedures are used for voting by disabled persons.

Results of the study were not available at press time.

State level paper filings eliminated by FEC

A recent action by the Federal Election Commission (FEC) to reduce paper filings of federal campaign finance reports has been extended so it has now eliminated all paper filed at the state level.

It was reported earlier that the FEC was administering a waiver program that means participating states can opt not to receive finance reports in their election offices (see *Canvassing Kansas*, March 2000, page 5).

Before the waiver program, candidates for federal offices and federal political action committees (PACs) were required to file their reports both with the FEC and with the respective states. The exception to the waiver program was U.S. Senate candidates and PACs that supported them. They were still required to

file with states because their rules for filing were different and did not fall under the waiver program.

In a letter to Kansas Secretary of State Ron Thornburgh in the fall of 2000, the FEC announced that the waiver program had been extended to cover Senate candidates and PACs. This completes the waiver program, so no paper federal campaign finance reports are filed with the Secretary of State's office.

Any state participating in the waiver program must guarantee public access to a computer in their office to allow anyone wishing to view federal reports to visit the FEC's web site, where all the reports are posted. Kansas was among the first states to voluntarily participate in the waiver program.

Felons' voting rights leave some wondering

A recent inquiry to the Secretary of State's office about the rights of felons to vote prompted our office to review the law governing this issue. After researching the issue ourselves we discussed the matter with the Department of Corrections before reaching a conclusion on when a person convicted of a felony can vote.

The Kansas Constitution and statutory law, specifically, **K.S.A. 21-4615**, state that a person convicted of a felony loses his voting rights. The Constitutional provision notes that a felon who is pardoned or restored his civil rights does not lose his right to vote.

K.S.A. 21-4615 is more specific than the Constitution and precludes a person that has been convicted of a felony from registering to vote, voting, and from holding public office. The statute also states that this ineligibility ends

when the person is discharged from parole, conditional release, or custody.

K.S.A. 21-4603 further complicates the issue by stating that sentences that do not involve commitment to the custody of the Secretary of Corrections, and commitments that are revoked within 120 days, do not cause a person to lose his civil rights. Further, the statute states that offenders serving their sentence in conservation camps by court order do not lose their rights. If placement in a conservation camp is directed by the Secretary of Corrections instead of the court, the person's voting rights are not restored.

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Felons' voting rights leave some wondering

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In a nutshell, the following chart outlines the rights of a felon to vote:

A person who is convicted of a felony crime **AND** . . .

receives the sentence of probation	does not lose voting right
receives the sentence of imprisonment	loses voting right until final discharge
receives the sentence of imprisonment followed by conditional release, such as parole, house arrest, etc.	loses voting right until final discharge from the program
receives the sentence of conservation camp (boot camp) - if by court order, it constitutes probation - if by secretary of corrections, it constitutes imprisonment	does not lose voting right loses voting right
receives the sentence of imprisonment, and the sentence is modified to probation	loses voting right during imprisonment, but regains right after the sentence modification results in probation